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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF OREGON
6 PORTLAND DIVISION
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8 ESTELLE L. FINNEY,

9 Plaintiff,

10 v.

11 MICHAEL J. ASTRUE,
12 Commissioner of Social Security,

13 Defendant.
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) No. 03:10-CV-06030-HU
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16 ORDER ON MOTION FOR
17 ATTORNEY FEES
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Attorneys for Defendant

1 HUBEL, Magistrate Judge:

2 The parties have filed a stipulation for an award of
3 attorney's fees to the plaintiff pursuant to the Equal Access to
4 Justice Act, 28 U.S.C. § 2412. Under the statute:

5 A party seeking an award of fees and other
6 expenses shall, within thirty days of final
7 judgment in the action, submit to the court an
8 application for fees and other expenses which
9 shows that the party is a prevailing party and
10 is eligible to receive an award under this
11 subsection, and the amount sought, including
12 an itemized statement from any attorney . . .
representing or appearing in behalf of the
party stating the actual time expended and the
rate at which fees and other expenses were
computed. The party shall also allege that
the position of the United States was not
substantially justified.

13 24 U.S.C. § 2412(d) (B) .

14 The current motion is wholly unsupported. No itemized
15 statement from the plaintiff's attorney is attached, and no
16 allegation or supporting argument is made that the Commissioner's
17 position was not substantially justified.

18 The motion is **denied**, without prejudice to refiling in proper
19 form, **no later than November 28, 2011**.

20 IT IS SO ORDERED.

21 Dated this 10th day of November, 2011.

22 /s/ Dennis J. Hubel

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24 Dennis James Hubel
25 Unites States Magistrate Judge
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